

AMENDED IN ASSEMBLY MAY 28, 2010

AMENDED IN ASSEMBLY APRIL 8, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## ASSEMBLY BILL

**No. 2668**

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**Introduced by Assembly Member Galgiani**

February 19, 2010

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~~An act to amend Sections 6080, 6081, and 6103 of the Penal Code, relating to prisons. An act to repeal and add Section 171c of the Penal Code, relating to weapons.~~

### LEGISLATIVE COUNSEL'S DIGEST

AB 2668, as amended, Galgiani. ~~Corrections: Medical Facility: telemedicine. Weapons: possession at State Capitol and legislative buildings.~~

*Existing law makes it a crime for any person, with the exception of peace officers, to bring a loaded firearm into, or possess a loaded firearm within, the State Capitol, as defined.*

*This bill would repeal these provisions and would make it a crime, punishable by imprisonment in a county jail for a period not to exceed one year, or by a fine not exceeding \$1,000, or by both that fine and imprisonment, or by imprisonment in state prison, to bring or possess certain specified weapons or ammunition within the State Capitol, if the area is posted with a statement providing reasonable notice that prosecution may result from possession of the weapons or ammunition. The weapons restricted by this bill would include any firearm, any deadly weapon, as defined, any knife with a blade length in excess of 4 inches with a fixed blade or capable of being fixed in an unguarded position, any unauthorized tear gas weapon, any stun gun, any*

*instrument that expels a metallic projectile, and any explosive. This bill would exclude from its provisions peace officers, peace officers of another state or the federal government who are carrying out official duties, persons summoned by these peace officers, persons holding a valid license to carry a firearm who has permission from the Chief Sergeants at Arms of the State Assembly and the State Senate to possess a concealed weapon on the premises, and any person who has permission granted from the Chief Sergeants at Arms of the State Assembly and the State Senate to possess a weapon on the premises.*

~~Existing law establishes the Medical Facility under the jurisdiction of the Department of Corrections and Rehabilitation. Existing law, the Telemedicine Development Act of 1996, regulates the practice of telemedicine, defined as the practice of health care delivery, diagnosis, consultation, treatment, transfer of medical data, and education using interactive audio, video, or data communications, by a health care practitioner, as defined.~~

~~This bill would require the Secretary of the Department of Corrections and Rehabilitation, to the extent funds are available pursuant to the Public Safety and Offender Rehabilitation Services Act of 2007, to install telemedicine fixtures and broadband infrastructure for the delivery of telemedicine at the Medical Facility.~~

~~This bill would make other technical and clarifying changes.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 171c of the Penal Code is repealed.  
2     171c. ~~Any person, except a duly appointed peace officer as~~  
3     ~~defined in Chapter 4.5 (commencing with Section 830) of Title 3~~  
4     ~~of Part 2, a full-time paid peace officer of another state or the~~  
5     ~~federal government who is carrying out official duties while in~~  
6     ~~California, any person summoned by any such officer to assist in~~  
7     ~~making arrests or preserving the peace while he is actually engaged~~  
8     ~~in assisting such officer, a member of the military forces of this~~  
9     ~~state or the United States engaged in the performance of his duties,~~  
10    ~~or a person holding a valid license to carry the firearm pursuant~~  
11    ~~to Article 3 (commencing with Section 12050) of Chapter 1 of~~  
12    ~~Title 2 of Part 4, who brings a loaded firearm into, or possesses a~~  
13    ~~loaded firearm within, the State Capitol, any legislative office, any~~

~~office of the Governor or other constitutional officer, or any hearing room in which any committee of the Senate or Assembly is conducting a hearing, or upon the grounds of the State Capitol, which is bounded by 10th, L, 15th, and N Streets in the City of Sacramento, shall be punished by imprisonment in the county jail for a period of not more than one year, a fine of not more than one thousand dollars (\$1,000), or both such imprisonment and fine, or by imprisonment in the state prison.~~

SEC. 2. Section 171c is added to the Penal Code, to read:

171c. (a) Any person who brings or possesses, within the State Capitol, any legislative office, any hearing room in which any committee of the Senate or Assembly is conducting a hearing, the Legislative Office Building at 1020 N Street in the City of Sacramento, or upon the grounds of the State Capitol, which is bounded by 10th, L, 15th, and N Streets in the City of Sacramento, any of the following, is guilty of a misdemeanor punishable by imprisonment in a county jail for a period not to exceed one year, or by a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment, or by imprisonment in the state prison, if the area is posted with a statement providing reasonable notice that prosecution may result from possession of any of these items:

(1) Any firearm.

(2) Any deadly weapon described in Section 653k or 12020.

(3) Any knife with a blade length in excess of four inches, the blade of which is fixed or is capable of being fixed in an unguarded position by the use of one or two hands.

(4) Any unauthorized tear gas weapon.

(5) Any stun gun, as defined in Section 244.5.

(6) Any instrument that expels a metallic projectile, such as a BB or pellet, through the force of air pressure, CO<sub>2</sub> pressure, or spring action, or any spot marker gun or paint gun.

(7) Any ammunition as defined in Section 12316.

(8) Any explosive as defined in Section 12000 of the Health and Safety Code.

(b) Subdivision (a) shall not apply to, or affect, any of the following:

(1) A duly appointed peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, a retired peace officer with authorization to carry concealed weapons as described

1 *in subdivision (a) of Section 12027, a full-time paid peace officer*  
2 *of another state or the federal government who is carrying out*  
3 *official duties while in California, or any person summoned by*  
4 *any of these officers to assist in making arrests or preserving the*  
5 *peace while he or she is actually engaged in assisting the officer.*

6 (2) *A person holding a valid license to carry the firearm*  
7 *pursuant to Article 3 (commencing with Section 12050) of Chapter*  
8 *1 of Title 2 of Part 4, and who has permission granted by the Chief*  
9 *Sergeants at Arms of the State Assembly and the State Senate to*  
10 *possess a concealed weapon upon the premises described in*  
11 *subdivision (a).*

12 (3) *A person who has permission granted by the Chief Sergeants*  
13 *at Arms of the State Assembly and the State Senate to possess a*  
14 *weapon upon the premises described in subdivision (a).*

15 ~~SECTION 1. Section 6080 of the Penal Code is amended to~~  
16 ~~read:~~

17 ~~6080. As used in this part, the following terms have the~~  
18 ~~meanings described below:~~

19 ~~(a) "Department" refers to the Department of Corrections and~~  
20 ~~Rehabilitation.~~

21 ~~(b) "Director" or "Secretary" refers to the Secretary of the~~  
22 ~~Department of Corrections and Rehabilitation.~~

23 ~~SEC. 2. Section 6081 of the Penal Code is amended to read:~~

24 ~~6081. As used in this code, "prison" and "state prison" includes~~  
25 ~~facilities housing either men or women, or both.~~

26 ~~SEC. 3. Section 6103 of the Penal Code is amended to read:~~

27 ~~6103. (a) The Secretary of the Department of Corrections and~~  
28 ~~Rehabilitation shall construct and equip, in accordance with law,~~  
29 ~~suitable buildings, structures, and facilities for the Medical Facility.~~

30 ~~(b) To the extent funds are available pursuant to the Public~~  
31 ~~Safety and Offender Rehabilitation Services Act of 2007, the~~  
32 ~~secretary shall install telemedicine fixtures and broadband~~  
33 ~~infrastructure for the delivery of telemedicine at the Medical~~  
34 ~~Facility.~~

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2 **CORRECTIONS:**  
3 **Text—Pages 3 and 4.**  
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